

Remarks

Reconsideration of this Application is respectfully requested. Claims 10-18 and 56-88 are pending in the application, with claims 10, 56, 65, 74, 83, 85, and 87 being the independent claims. Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Improper Final Rejection

In the Amendment and Reply of December 19, 2007, Applicants submitted the following arguments on p. 14:

Surace also describes “a process for implementing a computer-implemented voice user-interface with personality.” (Surace Paragraph [0039]). The process of implementing a computer-implemented voice user interface in Surace occurs prior to the user’s interaction with the voice user-interface. Because the process occurs before the voice user-interface is implemented and before a user interacts with the voice user-interface, the process for implementing the voice user interface in Surace does not “enabl[e] the user [of the voice interface] to specify individual character traits desired in a virtual host, wherein the specified character traits are used to select a consistent personality for the virtual host.”

The Response to Arguments in the instant Final Office Action does not address this argument, nor is it addressed elsewhere in the instant Final Office Action. M.P.E.P. § 706 states that “[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity.” Since Applicants do not know why the Examiner did not address the above arguments, Applicants are unable to advance evidence of patentability related to the same arguments.

Accordingly, Applicants respectfully request that the finality of the instant Final Office Action be withdrawn, and that a new Office Action be issued addressing the above arguments.

Rejections under 35 U.S.C. § 102

Claims 10, 56, 65, and 74 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2005/0091056, now U.S. Patent No. 7,058,577, to Surace et al. (“Surace”). Applicants respectfully traverse.

Surace fails to teach or suggest each and every feature of independent claims 10, 56, 65, and 74. For example, claim 10 recites “enabling the user to specify individual character traits desired in a virtual host, wherein the specified character traits are used to select a consistent personality for the virtual host.” As used in claim 10's preamble, Applicants assert the term “the user” refers to the user for which a voice user interface is provided.

By contrast, in Surace, “the subscriber [is allowed] to select a virtual assistant and, thus, a voice user interface with a particular personality.” (Surace Published Application, paragraph [0102]). Surace further describes that “the subscriber selects from several different personalities when selecting a virtual assistant.” (Surace, paragraphs [0112] - [0113]). Because the user in Surace is limited to selecting entire personalities, the user can only select from predefined virtual assistants and cannot specify character traits of a virtual assistant. This is different from claim 10, which “enabl[es] the user to specify individual character traits.”

In the Response to Arguments on p. 4 of the instant Final Office Action, the Examiner distinguishes between “specifying” and “selecting” of character traits, and argues that Surace teaches the “specifying” of character traits. However, as noted above, Surace clearly does not teach or suggest the “specify[ing] [of] individual character traits” by a user for which a voice user interface is provided. Surace only allows a user of the Surace voice interface to select from predefined virtual assistants for which the individual character traits have already been specified.

Thus, Surace fails to teach or suggest “enabling the user [of the voice interface] to specify individual character traits desired in a virtual host, wherein the specified character traits are used to select a consistent personality for the virtual host,” as recited in independent claim 10. Surace also fails to teach or suggest “wherein the individual character traits are specified by the end user of the voice interface,” as recited in independent claims 56 and 74. Further, Surace fails to teach or suggest logic “to enable the end user to specify individual character traits desired in a virtual host,” as recited in independent claim 65.

For at least these reasons, independent claims 10, 56, 65, and 74 are patentable over Surace. Reconsideration and withdrawal of the rejections is therefore respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 11, 57, 66, and 75 have been rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Surace in view of U.S. Patent No. 6,301,339 to Staples *et al.* ("Staples"). Claims 12, 58, 67, and 76 have been rejected under 35 U.S.C. § 103(a) as

being allegedly obvious over Surace in view of U.S. Patent No. 5,189,702 to Sakurai *et al.* ("Sakurai"). Claims 13, 59, 68 and 77 have been rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Surace in view of U.S. Patent No. 5,768,508 to Eikeland ("Eikeland"). Claims 14, 60, 69, and 78 have been rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Surace in view of U.S. Patent No. 5,911,043 to Duffy *et al.* ("Duffy"). Claims 15, 61, 70 and 79 have been rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Surace in view of U.S. Patent No. 6,366,882 to Bijl *et al.* ("Bijl"). Claims 16-18, 62-64, 71-73 and 80-82 have been rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Surace in view of U.S. Patent No. 4,531,184 to Wigan *et al.* ("Wigan"). Applicants respectfully traverse these rejections.

Staples, Sakurai, Eikeland, Duffy, Bijl, and Wigan do not overcome the deficiencies of Surace relative to independent claims 10, 56, 65, and 74 described above. Claims 11-18 depend from claim 10; claims 57-64 depend from claim 56; claims 66-73 depend from claim 65; and claims 75-82 depend from claim 74. For at least these reasons, and further in view of their own features, claims 11-18, 57-64, 66-73, and 75-82 are patentable over Surace, Staples, Sakurai, Eikeland, Duffy, Bijl, and Wigan. Reconsideration and withdrawal of the rejections is therefore respectfully requested.

Claims 83-88 have been rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Surace in view of U.S. Patent No. 4,964,077 to Eisen *et al.* ("Eisen"). Independent claims 83, 85, and 87 each recite, respectively, "enabling the user to specify individual character traits desired in a virtual host, wherein the specified character traits are used to select a consistent personality for the virtual host," "logic to specify individual character traits desired in a virtual host, wherein the specified character traits

are used to select a consistent personality for the virtual host,” and “specifying means for enabling the processor to specify individual character traits desired in a virtual host, wherein the specified character traits are used to select a consistent personality for the virtual host.”

As noted above with regard to independent claim 10, Surace does not teach or suggest the aforementioned features of independent claims 83, 85, and 87. Eisen does not teach or suggest, and is not used by the Examiner to teach or suggest, the missing feature. Accordingly, claims 83, 85, and 87 are patentable over Surace and Eisen. Claims 84, 86, and 88 depend from claims 83, 85, and 87, respectively, and are also patentable over Surace and Eisen for at least the same reasons as claims 83, 85, and 87, and further in view of their own respective features. Reconsideration and withdrawal of the rejections is therefore respectfully requested.

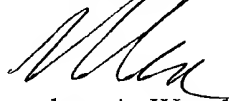
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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